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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,079	10/16/2003	Alberto Patarchi	163-511	9079
47888	7590	05/13/2005		
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER PRESTON, ERIK D	
			ART UNIT 2834	PAPER NUMBER
DATE MAILED: 05/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/687,079

Applicant(s)

PATARCHI, ALBERTO

Examiner

Erik D. Preston

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/19/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification never mentions the transformer windings of claim 9.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transformer windings of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

Art Unit: 2834

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities: In the 5th line of the claim, the number "(5)" should be a "(4)", and in the 10th line of the claim, the word "on" should be changed to "of". Appropriate correction is required.

Claim 7 is objected to because of the following informalities: It includes the phrase "...the action windings..." This phrase lacks proper antecedence in the claims, for examination purposes it will be interpreted as "...a group of action windings..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 recites the limitation "the transformer windings" in its last line. There is insufficient antecedent basis for this limitation in both the claim and the specification. The specification never mentions any transformer windings, or even a transformer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Livings et al. (FR 2356992 supplied by applicant).

With respect to claim 1, Livings teaches an electric motor (Fig. 1, #4) with variable rotation speed comprising: A stator connected to at least one magnetic excitation coil (Abstract); a rotor on which are formed at least two magnetic poles each having opposite polarity (rotational electric motors inherently have at least two magnetic poles); said at least one coil being adapted to form on said stator at least two magnetic induction poles having an opposite polarity (again, rotational electric motors have at least two magnetic induction poles); and an adjusting device (as seen in Figure 1) for said rotation speed of said rotor comprising an antijamming filter (Fig. 1, #2 & 3), characterized in that said antijamming filter comprises at least one portion of said magnetic induction coil (as seen in Figure 1).

With respect to claim 2, Livings teaches the electric motor of claim 1, wherein said magnetic induction coil is divided into a first portion (Fig. 2, #1) and a second

Art Unit: 2834

portion (Fig. 2, #1') connected to each other in series and said adjusting device is positioned between said first and second portion.

With respect to claim 3, Livings teaches the electric motor of claim 2, wherein said first and second portion are identical to each other (Page 4, Lines 18-32).

With respect to claim 4, Livings teaches the electric motor of claim 1, wherein said antijamming filter comprises an RC system.

With respect to claim 5, Livings teaches the electric motor of claim 1, wherein said adjusting device comprises a phase shutting piloting circuit (Page 4, Line 40 - Page 5, Line 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of applicant's admitted prior art in the specification. Livings teaches the motor of claim 1, but doesn't teach the adjusting device comprising a phase "chopper" piloting circuit. However, the applicant states that "chopper" circuits are well known in the art (Page 1, Line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings with a chopper circuit because it converts the negative half wave of the motor induction coil's alternating current supply to positive, and the duty cycle of this resultant

Art Unit: 2834

signal can be adjusted to control the current flow which in turn controls the rotational speed of the motor (Applicant's specification Page 1, Line 20 – Page 2, Line 4).

Claims 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Enescu (GB 2134739 supplied by applicant).

With respect to claims 7 & 8, Livings teaches the motor of claim 1, wherein the adjusting device has an out-of-phase condenser, but doesn't teach that the adjusting device acts exclusively on a single part of a group of action windings in a single or multi-phase motor. However, Enescu teaches an adjusting device acting exclusively on a single phase of a group of action windings in a single (Fig. 1) or multi-phase (Fig. 2) motor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings in view of the adjusting device as taught by Enescu because it provides a means for suppressing radio interference in an apparatus driven by an electric motor (Enescu, Abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3223864, US 4093899, US 4293905, US 4295083, US 4329630, US 4745513, US 5473227, US 5942864 & US 6300740.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

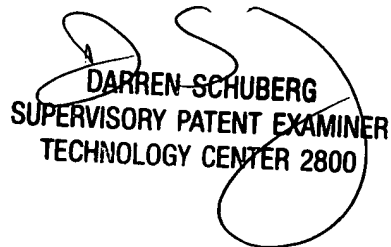
Art Unit: 2834

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



05/09/2005



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